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09/545,078	04/07/2000	Stephane H Maes	Y0999-273(8728-298)	1114

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F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY, NY 11797

EXAMINER
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CALDWELL, ANDREW T

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PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* STEPHANE H. MAES

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Appeal 2007-1973  
Application 09/545,078  
Technology Center 2100

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Decided: February 19, 2008

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Before KENNETH W. HAIRSTON, LANCE LEONARD BARRY, and  
MAHSHID D. SAADAT, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final rejection of claims 1, 3 to 15, 17 to 19<sup>1</sup>, 21 to 23, 25 to 34, 36, and 37.

Claim 1 is representative of the claimed invention, and it reads as follows:

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<sup>1</sup> Claims 17 to 19 improperly depend from canceled claim 16.

1. A conversational portal system, comprising:

a computing system comprising a conversational browser to provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one [sic] more modalities supported by the client, and wherein the conversational browser can retrieve one or more pages from an information source in response to a request from the client and serve or present the retrieved pages to the client in at least one format that is compatible with the one or more modalities supported by the client, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities,

an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; and

a multimedia database for storing the indexed audio and multimedia data,

wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Cobbley	US 5,614,940	Mar. 25, 1997
Saylor	US 6,501,832 B1	Dec. 31, 2002 (filed Aug. 26, 1999)
Cohen	US 6,859,776 B1	Feb. 22, 2005 (filed Oct. 4, 1999)

The Examiner rejected claims 1, 3 to 15, 17 to 19, 21 to 23, 25 to 34, 36, and 37 under 35 U.S.C. § 103(a) based upon the teachings of Saylor, Cohen, and Cobbley.

The Examiner acknowledges that Saylor does not teach an “information (‘page’) that can be rendered in two modalities” (Final Rejection 3). Presumably, the Examiner meant a page “rendered in two or more *synchronized* modalities” as set forth in all of the claims on appeal (emphasis added). According to the Examiner, “Cohen teaches a page configure[d] with two modalities, specifically, both graphical and voice data (col 10/lines 39-55) or configured with format supporting both voice and data (col 9/lines 32-43), associated with a browser configured to rendered [sic] respective two modalities (col 9/lines 10-25)” (Final Rejection 3). The Examiner is of the opinion that it would have been obvious to one of ordinary skill in the art to provide Saylor with the ability to gain access to “web pages having two modalities” as taught by Cohen (Final Rejection 3 and 4).

Appellant contends *inter alia* that “there is a stark difference in functionality of providing hypertext lines in speech or audio to fetch content pages as taught by Cohen, and multi-modal documents that can be rendered by a conversational browser in two or more synchronized modalities” (Br. 11). Thus, the Appellant reached the conclusion that “the Examiner has not explained with legal sufficiency how Cohen suggest[s] a ‘conversational browser’ capable of processing a multi-modal pages [sic] that can be rendered in two or more synchronized modalities” (Br. 11).

In response to Appellant’s argument, the Examiner stated that in Cohen “[s]uch a **page** is configured to provide either graphical data, voice

data, or **both**, depending upon the type of equipment that accesses it” (Ans. 12).

In reply to the Examiner’s explanation, the Appellant reiterated that the claims on appeal are directed to a multi-modal format “rendered in two or more synchronized modalities” (Reply Br. 4).

The reference to Cohen describes a browser controller 102 in a voice-enabled browser 10 that permits spoken dialog between a person and a speech-enabled site with speech recognition capability (Figures 1A and 1B; Abstract; col. 3, ll. 37 to 40; col. 4, ll. 23 to 34; col. 5, ll. 20 and 21). Based upon such a dialog, the browser 10 operates as a conversational browser. Cohen states that the browser controller 102 can operate in conjunction with IP telephony protocols for “*simultaneous* transmission of both voice and digital data” in the dialog between the person and the speech-enabled site (col. 9, ll. 35 and 36) (emphasis added). Thus, we agree with the Examiner that the accessed page in Cohen would provide “**both**” graphical data and voice data during the on-going dialog (col. 10, ll. 41 to 43). In other words, the page in Cohen would be “rendered in two or more synchronized modalities” as set forth in the claims on appeal.

Turning next to Appellant’s argument that Saylor does not teach a “modality-independent” format because it does not describe a page that can be “rendered in one or more modalities (synchronized) supported by the access device,” we find that Cohen describes such a “modality-independent format” as set forth in claims 3 and 25 (Br. 13).

In summary, the obviousness rejection of claims 1, 3 to 15, 17 to 19, 21 to 23, 25 to 34, 36, and 37 is sustained because the Examiner's articulated reasoning in the rejection does support a legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007).

The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

Appeal 2007-1973  
Application 09/545,078

AFFIRMED

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F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY NY 11797